

# FORM LM-30

## LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

For Official Use Only



READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

1. File Number U - <b>07949</b>	2. Fiscal Year Covered From  1 / 1 / 2005 Through: 12 / 31 / 2005
3. Name and address of person filing  Name <b>Michael Koplove</b>  P.O. Box, Bldg., Room No., if any  Street <b>3235 Chaucer St.</b>  City <b>Philadelphia</b>  State <b>Pennsylvania</b> ZIP Code + 4 <b>19145</b>	4. Name, file number, and address of labor organization.  Name <b>Major League Baseball Players Association</b>  Labor Organization File Number <b>064-727</b>  P.O. Box, Building and Room Number, if any  Street <b>12 East 49th Street, 24th Floor</b>  City <b>New York</b>  State <b>New York</b> ZIP Code + 4 <b>10017</b>
5. Position in labor organization. <b>Player Officer</b>	

Enter appropriate data below if, during the past fiscal year, you or your spouse or minor child directly or indirectly had any of the following interests (except as specified in the exclusions set forth in the instructions):

A. Held an interest in, engaged in transactions (including loans) with, or derived income or other economic benefit of monetary value from an employer whose employees your organization represents or is actively seeking to represent.

6. Name and address of Employer (including trade name, if any)  Name  Trade Name, if any:  P.O. Box, Bldg., Room No., if any  Street  City  State ZIP Code + 4	7.a. Nature of Interest, Transaction, or Income.
	7.b. Amount.

Signature

15. Signature and verification. The undersigned declares, under penalty of Perjury and other applicable penalties of the law, that all of the information submitted in this report (including the information contained in any accompanying documents), has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct and complete. (See the section on penalties in the instructions.)

Signed

On

**3-19-06**

Date

(480) 505-8902

Telephone Number

B. Held an interest in or derived income or economic benefit with monetary value from a business (1) a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with the business of an employer whose employees your labor organization represents or is actively seeking to represent, or (2) any part of which consists of buying from or selling or leasing directly or indirectly to, or otherwise dealing with your labor organization or with a trust in which your labor organization is interested.

## 8. Name and address of Business (including trade name, if any).

Name Mizuno USA, Inc.

Trade Name, if any: Mizuno

P.O. Box, Bldg., Room No., if any

Street 4925 Avalon Ridge Parkway

City Norcross

State Georgia ZIP Code + 4 30071

## 9. Business deals with:

☐ a. Labor Organization☐ b. Trust☒ c. Employer

## 10. If 9.b. or 9.c. is checked give trust or employer's name.

Name AZPB Limited Partnership

Trade Name, if any: Arizona Diamondbacks

P.O. Box, Bldg., Room No., if any

Street 401 E. Jefferson St.

City Phoenix

State Arizona ZIP Code + 4 85001

## 11.a. Nature of such dealing.

See Addendum

## 11.b. Approximate dollar value of such dealing.

## 12.a. Nature of interest held or income received.

Merchandise credit

## 12.b. Amount.

\$2,000

C. Received from any employer (other than an employer covered under parts A and B above) or from any labor relations consultant to an employer any payment of money or other thing of value.

## 13.a. Name and address of Employer or Labor Relations Consultant (including trade name, if any).

Name

Trade Name, if any:

P.O. Box, Bldg., Room No., if any

Street

City

State ZIP Code + 4

## 14.a. Nature of payment

13.b. Is the Business an Employer or Consultant ?

## 14.b. Amount of payment.

### **ADDENDUM**

In 2005, I received endorsement income from one business that, insofar as I know, does not do business with the MLBPA, but that may do business with one or more Major League Baseball Clubs and/or with Major League Baseball. I do not know whether this business has such extensive commercial dealings with the Clubs and/or with Major League Baseball that those commercial dealings represent a "substantial part" of their overall business operations. Accordingly, in a good faith effort to fully meet (and perhaps go beyond) my reporting obligation, I am stating below the amount of endorsement income received from each of this business in 2005:

Mizuno USA, Inc. - \$1,000 merchandise credit

**PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION**

TO: Player Agents

FROM: Andy Roth, Bredhoff & Kaiser, P.L.L.C.

RE: Guidance for Reporting Endorsement Income on a Player-Officer's LM-30 Report

The MLBPA has requested that Bredhoff & Kaiser, P.L.L.C., provide guidance to player agents on the issue of how player-officers of the Association should report the endorsement income that they received in 2005 on the LM-30 form that they are required to file with the Department of Labor ("DOL" or "Department").

**INTRODUCTION**

This Memorandum is limited to the issue of how endorsement income should be reported on the LM-30 form. The Memorandum does not address the issue of what other income, financial interests, or business transactions must be reported on the LM-30 form, except to note the important point that the salary and benefits a player receives from a Club or from Major League Baseball by virtue of his employment as a professional baseball player need **not** be reported. As Michael Weiner and Jeff Fannell already have advised you, the Association has arranged that if any agent should have questions concerning the reportability of any item, including items apart from endorsement income, I am available to discuss that with you on a case-by-case basis.

### **Reporting Endorsement Income**

On the assumption that endorsement income received in 2005 is the only item that the player-officer is required to report, the only questions on the LM-30 form that come into play are questions 1-5, 8-12, and 15. Questions 6-7 and 13-14 properly may be left blank.

**Question 1** asks for the player-officer's file number. Any player-officer who filed an LM-30 report last year should have been assigned a file number by the DOL upon its receipt of that player-officer's report. The player-officer's assigned file number should be obtainable by going to the DOL website ([www.olms.dol.gov](http://www.olms.dol.gov)); clicking on the link entitled "Internet Public Disclosure Room," which can be found in the right-hand column of the website's home page; and then clicking on "View/print LM-30 Labor Organization Officer and Employee Reports online (for the year 2000 and after)," which can be found under the heading "ACCESS UNION OFFICER AND EMPLOYEE REPORTS." If the website happens to be working at the time (it frequently is down or maddeningly slow), you should then be able to pull up an on-line copy of the player-officer's previously-filed LM-30 report, on which the DOL has penciled in the player-officer's assigned file number.

If the player-officer is a first-time filer, he will not yet have been assigned a file number by the DOL, and it is appropriate for him to leave **Question 1** blank, as all first-time filers presumably did last year.

The Answer to **Question 2**, for all player-officers, is 1/1/05 through 12/31/05.

**Question 3** asks for the name and address of the player-officer filing the report. The issue has not come up in other contexts, but if for privacy reasons the player-officer does not wish to provide his home address, a c/o address (either yours or the MLBPA's) would undoubtedly suffice.

**Question 4** asks for the MLBPA's address, which is 12 East 49<sup>th</sup> Street, New York, N.Y. 10017, and its LM-2 file number, which is 064-727.

**Question 5** asks the player-officer to identify his position in the labor organization, and is self-explanatory.

As previously noted, **Questions 6-7** do not have to be completed for the purpose of reporting endorsement income. If you have any questions or concerns about whether other items apart from endorsement income may be reportable in this section of the LM-30 form, please call Mike or Jeff, and if they are unable to help you, they will refer you to me.

**Questions 8-12** (Part B of the LM-30 form) are the key questions with regard to the reporting of endorsement income. On the DOL's view of the statutory reporting requirements, endorsement income received by a player-officer must be reported on Part B of the LM-30 form **if but only if** that income is received from either of the following two sources: (1) an MLBPA licensee; and (2) any other business that has such extensive commercial dealings with one or more Clubs and/or with Major League Baseball that those commercial dealings represent a "substantial part" of that business' overall operations.

The reporting of endorsement income received by a player-officer from an MLBPA licensee is relatively straightforward. Together with this Memorandum,

the MLBPA is providing you with a list of MLBPA licensees, together with the dollar amount that each licensee paid to the MLBPA in 2005. Armed with that information, here is how you should go about completing Part B of the form: In response to **Question 8**, provide the name and address of the MLBPA licensee from whom the player-officer received endorsement income in 2005; in response to **Question 9**, check the box marked “labor organization”; **Question 10** is inapplicable and thus properly may be left blank; in response to **Question 11a**, a description such as “MLBPA licensee” should suffice; in response to **Question 11b**, state the dollar amount paid by the licensee to the MLBPA in 2005 (i.e., the dollar figure provided to you by the MLBPA); in response to **Question 12a**, provide a brief description of the nature of the income received from the MLBPA licensee (e.g., payments for autographing baseball cards; payments for product endorsements); and in response to **Question 12b**, state the total dollar amount received by the player-officer from that MLBPA licensee.

Importantly, in the event that a player-officer received endorsement income from **multiple MLBPA licensees** in 2005, the DOL requires that the player-officer complete a **separate** Part B for each MLBPA licensee. In short, the Department requires that endorsement income received from multiple MLBPA vendors be itemized, rather than aggregated. LM-30 forms are available on the aforementioned DOL website ([www.olms.dol.gov](http://www.olms.dol.gov)), and if you fill out the form on-line, you will be able to call up Part B “continuation pages” that you can use in satisfying the itemization requirement. Alternatively, you

can print out a blank LM-30 form, xerox extra Part Bs, and attach the extra Part Bs to the main part of the form (be sure to include the player's name on each attachment page, and to number each attachment page sequentially, as per the Department's instructions for completing the form, which also are available on the Department's web site).

Next, the reporting of endorsement income received from **other businesses** that are **not** MLPBA licensees is far more problematic. As previously noted, such income must be reported if but only if the business in question has such extensive commercial dealings with the Clubs and/or with Major League Baseball that those commercial dealings represent a "substantial part" of that business' overall operations. This test for reportability poses a problem in two respects. First, the DOL has not yet undertaken to define or provide guidance on what "substantial part" means for these purposes. Second, even if it were self-evident what "substantial part" means for these purposes, neither you nor the player-officer is likely to be privy to the facts necessary to make the requisite "substantiality" determination. You may not even know whether the business in question has commercial dealings with one or more Clubs or with Major League Baseball at all, and you certainly are unlikely to know the extent of those commercial dealings in relation to the business' commercial dealings with non-baseball-related persons or entities.

There are two potential methods for dealing with this problem. The first would be to assume, absent good reason for believing otherwise, that the business' commercial dealings with the Clubs and/or with Major League



Baseball are not so extensive as to represent a “substantial part” of that business’ overall operations, and thus not report the endorsement income received from that business.

A second approach—which has the virtue of eliminating the possibility that reportable transactions have been omitted—would be to provide an Addendum to the LM-30 report itemizing the endorsement income received by the player-officer in 2005 from each business that is not an MLBPA licensee (endorsement income from MLBPA licensees would still have to be itemized on that part of the form provided for this purpose, as previously discussed). **This second approach seems advisable**, and should you choose to follow it, we would suggest that the following introductory language (or something similar) be included in the Addendum:

In 2005, I received endorsement income from [X number] of businesses that, insofar as I know, do not do business with the MLBPA, but that may do business with one or more Major League Baseball Clubs and/or with Major League Baseball. I do not know whether any of these businesses have such extensive commercial dealings with the Clubs and/or with Major League Baseball that those commercial dealings represent a “substantial part” of their overall business operations. Accordingly, in a good faith effort to fully meet (and perhaps go beyond) my reporting obligation, I am stating below the amount of endorsement income I received from each of these businesses in 2005:

[ITEMIZED LIST]

As if this were not enough, there is one further complication. The DOL requires that in addition to reporting “income” received from covered

businesses, a union officer must – **subject to a de minimis exception described below** - also report “any benefit with monetary value (including reimbursed expenses)” that he received from such businesses. Thus, if a business that a player-officer had an endorsement contract with in 2005 provided the player with gift(s), meal(s) or other gratuities, the receipt of those benefits must be reported as well, **unless** they fall within the de minimis exception.

The good news on this front is that the DOL has substantially “liberalized” the de minimis exception for the current filing year (2005). Under the new de minimis exception, gifts, meals and other gratuities received from a covered business in 2005 must be reported **if but only if** the aggregate amount of the gifts/meals/gratuities received **from that particular business** exceeded \$250. For example, if a player-officer received \$300 in gifts/meals/gratuities from business “X” in 2005 and \$200 in gifts/meals/gratuities from businesses “Y” and “Z,” **only** the \$300 in gifts/meals/gratuities received from business “X” would be reportable. Moreover, in this example, the gifts/meals/gratuities received from business “X” need **not** be itemized on the report; it is sufficient to state the aggregate amount of the gifts/meals/gratuities received (\$300) and to describe them generally (e.g., meals and a gift card).

As previously noted, **Questions 13-14** do not have to be completed for the purpose of reporting endorsement income. If you have any questions or concerns about whether other items apart from endorsement income may be

reportable in this section of the LM-30 form, please call Mike or Jeff, and if they are unable to help you, they will refer you to me.

Finally, **Question 15** requires that the player-officer sign and date the form, and provide a contact telephone number.

Completed forms should be mailed to:

U.S. Department of Labor  
ESA/OLMS, Room N-5616  
200 Constitution Avenue, NW  
Washington DC 20210-0001

If you have any questions about the foregoing, please contact Andy Roth at Bredhoff & Kaiser, P.L.L.C., 202-842-2600.

Cc: Michael Weiner  
Jeff Fannell

## 2005 Licensing \$

23KT Collectibles Ltd.	\$ 45,737.33
23KT Collectibles Ltd. <23KTWALGREENS05>	\$ 266,967.00
5th & Ocean Clothing, Inc.	\$ 75,000.00
Ablesoft/APBA International Inc.	\$ 9,478.91
Action Images, Inc.	\$ 34,646.31
Activa Consumer Promotions	\$ 130,294.48
Activa Consumer Promotions, Inc. <ACTIVAUSA05>	\$ 300,000.00
All Star Lineup	\$ 15,000.00
am/pm Japan Co., Ltd. <AMPM05>	\$ 40,000.00
Aminco International (USA), Inc.	\$ 12,500.00
Atari, Inc	\$ 145,704.07
Authentic Street Signs	\$ 7,500.00
Autographed Ball Company, The	\$ 34,419.47
Bandai Co., Ltd. <BANDAI04>	\$ 5,000.00
Bradford Group	\$ 82,580.98
C & I Collectibles	\$ 8,953.56
Cadaco, Inc. <CADACO04>	\$ 14,000.00
Caseworks International	\$ 1,500.00
Cashman Enterprises, Inc.	\$ 978.02
Celebrity Marketing Ventures, Inc. <DYNASIS05>	\$ 500,000.00
Concept 1 Accessories	\$ 31,977.73
Coopersburg Associates, Inc.	\$ 40,000.00
Cooperstown Bears, Inc.	\$ 10,000.00
Corinthian Marketing PLC	\$ 29,995.00
Dentsu, Inc. <AEON05>	
Donruss Playoff, LLP <DONRUSS05>	\$ 5,822,211.40
Dynasty Apparel Industries	\$ 227,176.11
Easton Sports, Inc. <EASTONPROMO05>	\$ 7,500.00
Editora Corripio	\$ 17,612.70
Electronic Arts, Inc.	\$ 2,975,147.81
Energy Brands Inc. <GLACEAU05>	\$ 200,000.00
Everlasting Images	
Exclusive Pro Sports	\$ 10,000.00
Fever Pitch Productions, Inc. <FEVERPITCH05>	\$ 175,000.00
Fleer/Skybox International	\$ 20,000.00
Fleer/Skybox International <FLEER05>	\$ 1,000,000.00
Franco Apparel Group, Inc	\$ 2,077.00
Fruit of the Loom	\$ 564.59
Game Time LLC	\$ 20,000.00
Gear for Sports	\$ 20,000.00
Getty Images	\$ 5,171.97
GLT International LTD.	\$ 4,000.00

Good Sports Recordings, Inc.	\$ 15,000.00
Haddad Apparel Group	\$ 182,491.14
Hallmark Cards, Inc	\$ 2,500.00
Headmasters, Inc	\$ 74.25
Healy Manufacturing, Inc.	\$ 15,000.00
Heavy Hitter Industries, Inc.	\$ 36,516.07
Highland Mint	\$ 56,377.62
Hillerich & Bradsby	\$ 87,339.85
Home Free Enterprises	\$ 3,933.66
Interactive Sports Training, LLC	\$ 35,000.00
John F. Turner & Co.	\$ 138,713.14
K2 Licensed	\$ 130,000.00
Kurt S. Adler, Inc.	\$ 2,000.00
Line Up International, LLP <LINEUP05>	\$ 5,000.00
Locker Room Memorabilia	\$ 5,000.00
LogoAthletic	\$ 103.86
Majestic Athletic, Inc.	\$ 3,204,677.09
MBI, Inc.	\$ 453,100.89
McDonald's Advertising Co-Op, Inc. <MCDBOS05>	\$ 65,000.00
McDonald's Chicago & NW Indiana <MCDONALDSCHI05>	\$ 50,000.00
Mitchell & Ness	\$ 10,250.85
MLB Advanced Media LP	\$ 8,532,266.34
Motion Imaging, Inc.	\$ 18,000.00
Museum Editions LTD	\$ 18,582.90
MVP Pics, Inc.	\$ 10,000.00
National Direct <ND-BOSOX05>	\$ 150,000.00
National Direct <ND-NYMETS05>	\$ 250,000.00
New Era Cap Co., Inc.	\$ 50,000.00
Newcrafters	
Nike Inc.	\$ 1,055,918.77
Nintendo of America Inc.	\$ 150,000.00
Norico Co., LTD.	\$ 69,980.00
Northwest Company, The	\$ 20,000.00
Penny Men	\$ 6,000.00
Pepsi Cola Company <PEPSIJAPAN04>	\$ 225,000.00
Pepsi Cola Company <PEPSINATL05>	\$ 550,000.00
Peter-David, Inc.	\$ 30,045.97
Photo File, Inc.	\$ 213,249.30
RAH Digital Creations	\$ 10,000.00
Right View Pro, LLC	\$ 5,000.00
Ripken Baseball Inc.	\$ 12,500.00
Russell Corporation	\$ 52,117.30
Sababa Toys <SABABA04>	\$ 20,000.00
San Diego 2nd Chance Program	\$ 300.00

Snack Factory, Inc.	\$ 12,000.00
Soho Editions	\$ 2,355.00
Sony 989 Studios	\$ 1,450,025.00
Sports Placement Service	\$ 8,350.00
St. Louis Post-Dispatch, LLC <STLPD05>	\$ 206,272.70
Steiner Sports Marketing	\$ 86,939.65
Strat-O-Matic Game Co., Inc.	\$ 57,345.67
Takara Co., Ltd. <TAKARA04>	\$ 10,000.00
Take 2 Interactive	\$ 2,000,000.00
Tandy Brands Accessories Inc.	\$ 8,000.00
Team Bean Authentic	\$ 175,000.00
Team Bean Authentic, LLC <REDSOXWB05>	\$ 66,720.00
Team Bean Authentic, LLC <YANKEESWB05>	\$ 95,485.70
The Gatorade Company <GATORADE06>	\$ 75,000.00
Time, Inc. <SIBOSOX04>	\$ 8,249.92
Todd Macfarlane Productions <TMP05>	\$ 316,303.30
Toon Art, Inc.	\$ 15,000.00
Topps Company Inc. <ETCPPS05>	
Topps Company Inc. <TOPPS05>	\$ 4,257,578.16
Topps Company Inc. <TOPPSHOTBUTTON05>	
Trends International	\$ 77,378.22
Twins Enterprises	\$ 25,000.00
Upper Class Collectibles	\$ 10,107.36
Upper Deck Company	\$ 110,181.45
Upper Deck Company <UDC05>	\$ 4,052,072.16
Upper Deck Company <UDCCLEVELANDPREMIUM04>	\$ 2,463.45
Upper Deck Company <UDCPEPSIDBACKS04>	\$ 7,541.78
Upper Deck Company <UDCPEPSIPREMIUM04>	\$ 650.27
USAopoly, Inc. <USAOPOLY05>	\$ 69,207.15
VF Imagewear	\$ 600,000.00
Wacoal Corp.	\$ 18,000.00
Wincraft, Inc.	\$ 30,000.00
Winning Streak Sports	\$ 829.71
Wiz Kids <WIZKIDS05>	\$ 200,000.00
Wizards of the Coast, Inc. <WOTC05>	\$ 300,000.00
World Packaging Corp.	
Yomiuri Shimbun <YOMIURI05>	\$ 394,650.59